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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,757	12/05/2005	Takanobu Nishigaki	054-601	3840
35870 APEX JURIS, I	7590 03/12/2007 PLLC	EXAMINER		
TRACY M HE	IMS	SCRUGGS, ROBERT J		
LAKE CITY CENTER, SUITE 410 12360 LAKE CITY WAY NORTHEAST SEATTLE, WA 98125			ART UNIT	PAPER NUMBER
			3723	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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	Application No.	Applicant(s)			
	10/559,757	NISHIGAKI, TAKANOBU			
Office Action Summary	Examiner	Art Unit			
	Robert Scruggs	3723			
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet wit	th the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC 136(a). In no event, however, may a re I will apply and will expire SIX (6) MONT te. cause the application to become ABA	CATION. Poply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 05 L	December 2005.				
2a) ☐ This action is FINAL . 2b) ☑ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D.	. 11, 453 O.G. 213.			
Disposition of Claims					
4) ⊠ Claim(s) 1 is/are pending in the application. 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/					
Application Papers					
9)☐ The specification is objected to by the Examin	ner.				
10)⊠ The drawing(s) filed on <u>05 December 2005</u> is/are: a)⊠ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
11) The oath or declaration is objected to by the E	Examiner. Note the attached	Totale Action of John 1 To 192.			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Burea * See the attached detailed Office action for a list	nts have been received. nts have been received in A ority documents have been au (PCT Rule 17.2(a)).	pplication No received in this National Stage			
	,				
Attachment(s) 1) Notice of References Cited (PTO-892)	4) T Interview S	Summary (PTO-413)			
Notice of References Cited (PTO-992) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s	s)/Mail Date nformal Patent Application			
S. Patent and Trademark Office					

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 3, the phrase "handy-type electric motor" is not understood. Is this a brand name of one type of electric motor? Or is this just a hand held electric motor? Claim 1, also recites the limitation "the support plate" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claim 1, is rejected under 35 U.S.C. 102(b) as being anticipated by Aksamit (4440045). Aksamit discloses a saw chain sharpener comprising, a support member (48) projected forward from a sharpener body which is formed such that a round shaft-shaped grinding tool (82) is attached to a motor (Figure 1), wherein a holding plate (17) has the shape to be able to straddle and support an upper part of a saw chain (70) and which has an opening (32) formed at a center thereof to make it possible to watch a grinding location from above, the holding plate extends lengthwise in a direction along

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the saw chain and is supported on a front end portion of the support member so as to be horizontally rotatable in a certain range for orientation to align with a sharpening angle of a cutter blade provisioned left or right of the saw chain, and wherein a projecting portion (40) for fixing a cutting edge to define an accurate cutting edge angle is provided on the front end portion of the support member.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kennemore (3354753) discloses a saw chain sharpener having a rotatable grinding tool attached to a motor and having a support guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Scruggs whose telephone number is 571-272-8682. The examiner can normally be reached on Monday-Friday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LEE D. WILSON PRIMARY EXAMINER